

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	NO. 12-236
	:	
TIMOTHY McGEE	:	

ORDER

AND NOW, this 12th day of September, 2012, upon consideration of the Motion to Dismiss Count One of the Indictment (Document No. 15), the government's response, the government's sur-reply to the supplemental memorandum of the defendant, and after oral argument, it is **ORDERED** that the motion is **DENIED**.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.